

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Assessment and Collection of Regulatory Fees for Fiscal Year 2013	)	MD Docket No. 13-140
	)	
Procedures for Assessment and Collection of Regulatory Fees	)	MD Docket No. 12-201
	)	
Assessment and Collection of Regulatory Fees for Fiscal Year 2008	)	MD Docket No. 08-65
	)	

**REPLY COMMENTS**

The Further Notice of Proposed Rulemaking in MD Docket No. 13-140 contains a drafting error of enormous significance to the General Mobile Radio Service (GMRS, FCC Part 95A).

A summary found in Attachment E, Page 40, Paragraph 4 states that "The FNPRM seeks comment concerning adoption and implementation of proposals for FY 2014 and beyond, which include ... (3) eliminating the regulatory fee component pertaining to General Mobile Radio Service".

In fact, the FNPRM itself contains no proposal to address, much less eliminate, the GMRS regulatory fee for FY 2014 and beyond. Exclusive of attached tables that list no change in the GMRS fee in the near term, the summary quoted above is the only mention of GMRS in the entire document.

We must conclude that this omission is a drafting error. Two possibilities are apparent:

**A.** The omission of the proposal to eliminate the fee was an error, and the FCC must promptly publish an erratum containing the missing content with sufficient time for comments and replies.

**B.** The inclusion of the *summary* was an error, and the Commission did not intend to address the GMRS regulatory fee, despite previous assurances that it would do so.

GMRS users pray that "A" is correct. Possibility "B" would be regrettable, as this writer and many others have pleaded that the cost of a GMRS license is excessive -- but that licenses must be retained.

Numerous filings in the still-pending WT Docket 10-119 complained of the usurious fee and its effect of discouraging users from obtaining the required GMRS license.

The value of and continued need for GMRS licensing, to individual persons only and at a lower cost, is evident in the public response to WT 10-119. Delicensing would require the FCC to reclassify GMRS

as a "Citizens Band Radio Service" in order to qualify for "license-by-rule" under the Communications Act. GMRS supporters would vigorously oppose any such move by the Commission.

The Commission recognized five years ago that the cost of a GMRS license "may be larger than the price of the GMRS device ... In addition, other individual radio devices, such as the Family Radio Service, do not pay such fees. These issues may contribute to the low rate of compliance with our licensing requirements for GMRS. *We therefore propose to eliminate the regulatory fees for GMRS devices.*" (Report and Order and FNPRM, MD 08-65, August 8, 2008 at 57. *Emphasis added.*)

A later Order said that "comprehensive regulatory fee revision issues ... remain outstanding at this time" and will be "decided at a later time in a separate Report and Order." (Report and Order, MD Dockets 08-65 & 09-65, July 31, 2009, footnote 10.)

That Report and Order has never arrived. And compounding the problem, the FCC now invites comment on an invisible proposal. The Commission should promptly issue the omitted material, with reasonable comment periods, and eliminate the GMRS regulatory fee as it has long promised.

The current GMRS application fee without the regulatory component would still be excessive. It appears to have little connection to the real cost of processing the very limited data now collected from applicants, particularly with the advent of the online application.

But any reduction -- short of eliminating the license entirely -- should increase the likelihood that a user will be licensed, becoming a part of the GMRS community, explicitly recognizing the authority of the Commission and agreeing on the record to comply with the rules for this service.

Respectfully submitted,

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